

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

FILED

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

State of Minnesota

2015 JAN -6 AM 11:30 Case # 27-CR-14-17101

v.

SLS #

DAVON DE-ANDRE TURNER HENNEPIN CO. DISTRICT COURT ADMINISTRATOR Charge Aggravated Robbery 1 &amp; Attempted Miss Robbery 1

PETITION TO ENTER PLEA OF GUILTY  
FELONY OR GROSS MISDEMEANOR

I, DAVON DE-ANDRE TURNER (print name), am the defendant in this case. My date of birth is 9/13/1995 (mm/dd/yyyy). The last grade I completed in school was 11<sup>th</sup>. I wish to enter a plea of guilty, and I state to the Court that:

- I understand the charges made against me in this case, which are: Ch. 1 Aggravated Robbery - 1st Degree (Aid & Abet) & Ch. 2 Attempted Aggravated Robbery 1st Degree (Aid & Abet), in violation of Minnesota Statute(s) § 609.245.1. I am pleading guilty to the offense(s) of \_\_\_\_\_ which is/may be a lesser degree or lesser included offense of the crime(s) charged.
- I am pleading guilty because on 6/12/2014, within the City of Minneapolis, Hennepin County, I did the following: Aided two other individuals in accomplishing a robbery of one person & attempting to rob another while the two individuals I was with possessed a firearm I knew they had.
- I understand that the Court will not accept a plea of guilty from someone who claims to be innocent.
- I DO NOT claim that I am innocent of the charges(s) to which I am entering a plea of guilty.
- I ☒ (am) (am not) represented by an attorney.

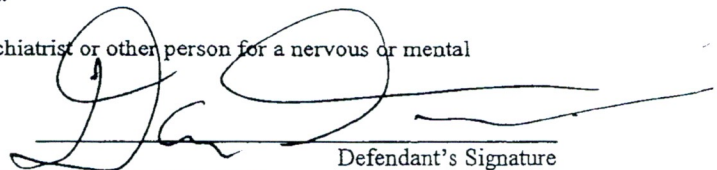
I have fully discussed the above charge(s), my constitutional rights, and this petition with my attorney, who is Kassius Benson, and:

- I feel that I have had sufficient time to discuss my case with my attorney.
- I am satisfied that my attorney is fully informed as to the facts of this case.
- My attorney has discussed possible defenses to the crime(s) that I might have.
- I am satisfied that my attorney has represented my interests and has fully advised me.

(or)

I understand that I have the right to be represented by an attorney. I understand that if I cannot afford to pay for an attorney, one would be appointed to represent me without cost (except that I may be responsible for a co-payment under Minn. Stat. §611.17, Subd. 1(c) (2003)). If I do not qualify for a Court-appointed attorney, I understand that the Court may continue this case for a reasonable period of time so that I may hire an attorney to represent me. By entering this plea of guilty, I understand that I am giving up my right to be represented by an attorney and my right to request that an attorney be appointed to represent me.

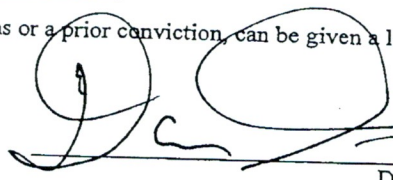
- I ☒ (have) ☐ (have never) been a patient in a mental hospital.
- I ☒ (have) ☐ (have not) talked with or been treated by a psychiatrist or other person for a nervous or mental condition.



Defendant's Signature

(READ AND SIGN ALL PAGES OF THIS DOCUMENT)

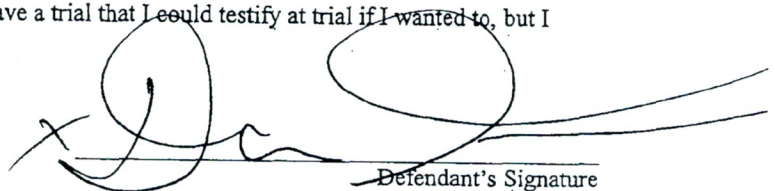
8. I (have) ~~(have not)~~ been ill recently.
9. I (have) ~~(have not)~~ recently been taking pills or other medicine.
10. I (do) ~~(do not)~~ claim that I was so drunk or so under the influence of drugs or medicine that I did not know what I was doing at the time of the crime(s).
11. I (do) ~~(do not)~~ claim that I was acting in self-defense or merely protecting myself or others at the time of the crime(s).
12. I (do) ~~(do not)~~ claim that the fact that I have been held in jail since my arrest and could not post bail caused me to decide to plead guilty in order to get the thing over with rather than waiting for my turn at trial.
13. I ~~(was)~~ (was not) represented by an attorney when I (had a probable cause <sup>determination</sup> hearing). If I have not had a probable cause hearing:
- I know that I could now move that the complaint against me be dismissed for lack of probable cause and I know that if I do not make such a motion and enter my plea of guilty, I waive all right to successfully object to the absence of a probable cause hearing.
  - I also know that I waive my right to successfully object to any errors in the probable cause hearing when I enter my plea of guilty.
14. ✓ I understand that the prosecution against me has the following:
- physical evidence obtained as a result of searching for and seizing the evidence;
  - evidence in the form of oral or written statements that I made to the police or others regarding this crime;
  - evidence discovered as a result of my statements or as a result of the evidence seized in a search;
  - identification evidence from a line-up or photographic identification;
  - evidence the prosecution believes indicates that I committed one or more other crimes.
15. ✓ I understand that I have a right to a pretrial hearing before a judge to determine whether or not the evidence that prosecution has could be used against me if I went to trial on this case. I requested such a pre-trial hearing, I could testify at the hearing if I wanted to, but my testimony could not be used as substantive evidence against me if I went to trial in this case and could only be used against me if I was charged with the crime of perjury. (Perjury means testifying falsely).
16. I (do) ~~(do not)~~ now request a pre-trial hearing and I specifically ~~(do)~~ (do not) now waive my right to have such a pre-trial hearing.
17. ✓ I understand that whether or not I have had a pre-trial hearing, I will not be able to object tomorrow or any other time to the evidence the prosecutor has.
18. I understand that if I wish to plead not guilty and have a trial, the prosecutor would be required to have the witnesses testify against me in open court in my presence and that I would have the right, through my attorney, to question these witnesses. With the knowledge of the right to have the prosecutor's witnesses testify in open court in my presence and questioned by my attorney, I now waive this right.
19. I understand that if I wish to plead not guilty and have a trial, I would be entitled to require any witnesses that I think are favorable to me to appear and testify at trial. With the knowledge of my right to require favorable witnesses to appear and testify at trial, I now waive this right.
20. ✓ I understand that a person who has prior convictions or a prior conviction, can be given a longer prison term because of these conviction(s).

  
 Defendant's Signature

(READ AND SIGN ALL PAGES OF THIS DOCUMENT)



21. ✓ I understand that the maximum penalty the Court could impose for this crime (taking into consideration any prior conviction(s), is imprisonment for 20 years and/or a fine of \$ 35,000. I also understand that a minimum sentence may be required by statute; if so, the court may impose a sentence of not less than            months for this crime.
22. I understand that for felony driving while impaired offenses and most sex offenses, a mandatory period of conditional release will be imposed to follow any executed prison sentence, and violating the terms of that conditional release may ~~increase~~ the time I serve in prison.
23. ✓ I understand that a person who participates in a crime by intentionally aiding, advising, counseling or conspiring with another person or persons to commit a crime is just as guilty of that crime as the person(s) who is/are present and participating in the crime when it is actually committed.
24. I understand that my present probation or parole ~~could be~~ will be revoked because of the plea of guilty to this crime(s).
25. I understand that the prosecutor is seeking an aggravated sentence of N/A.
26. ✓ I understand that I have the following constitutional rights which I knowingly, voluntarily and intelligently give up by entering this plea of guilty:
- The right to a trial to the Court (Judge only) or to a jury in which I am presumed innocent until proven guilty beyond a reasonable doubt. I understand that if I elect to have a jury trial, all jurors must agree I am guilty beyond a reasonable doubt before the jury could find me guilty;
  - The right to confront and cross-examine all witnesses against me;
  - The right to remain silent or to testify for myself;
  - The right to subpoena and present witnesses to testify for me in my defense;
  - The right to a pretrial hearing to contest the admissibility at trial of evidence obtained from search or seizure, confessions and/or admissions.
27. I am entering my plea of guilty based on the following plea agreement with the prosecutor: P6 to Count 1 Agg Robb 1st & Cti 2 Attempt Agg Robb 1st, State Dismiss All Other Counts  
Sentence: 48 months Stayed on Cti 1 consecutive 24 months Stayed on Count 2; One year in  
workhouse w/ 1000k
28. ✓ No one, including my attorney, any police officer, prosecutor, judge or any other person, has made any work or school promises to me, to any member of my family, to any of my friends or any other person, in order to obtain a plea of guilty from me. Follow Rec of PSI;
29. ✓ No one, including my attorney, any police officer, prosecutor, judge or any other person, has threatened me, any member of my family, any friend or other person, in order to obtain a plea of guilty from me. Restitution
30. ✓ I understand that if the Court does not approve the agreement stated in Number 29, above, I have the right to withdraw my plea of guilty and have a trial. Credit for any time served  
5yr Probation
31. ✓ I understand that if my plea of guilty is for any reason not accepted by the court, or if I withdraw the plea, with the Court's approval, or if the plea is withdrawn by court order on appeal or other review I would then stand trial on the original charge(s) against me which would include any charges that were dismissed as a result of the plea agreement entered into by my attorney and the prosecuting attorney. I also understand that the prosecution could proceed against me just as if there had been no plea of guilty and no plea agreement.
32. ✓ I understand that if I wish to plead not guilty and have a trial that I could testify at trial if I wanted to, but I could not be forced to testify.

  
 Defendant's Signature

(READ AND SIGN ALL PAGES OF THIS DOCUMENT)

- ✓ 33. I understand my knowledge of my right not to testify at trial, and that neither the judge nor the prosecutor could comment on my failure to testify at trial, and I now waive this right and I will tell the judge the facts of the crime.
- ✓ 34. I understand that if my plea of guilty is accepted by the judge, I have the right to appeal, but that any appeal or other court action I may take claiming error in the proceedings probably would be useless and waste of my time and the Court's time.
- ✓ 35. I understand that a judge will not accept a plea of guilty from anyone who claims to be innocent.
- ✓ 36. I now make no claim that I am innocent.
- ✓ 37. I understand that any testimony that I have given concerning the guilty plea could not be used against me unless I am charged with the crime of perjury based on that testimony.
- ✓ 38. I understand that pursuant to federal law that if I am not a citizen of the United States, this guilty plea may result in my removal from the United States and/or stop me from being able to legally enter or re-enter the United States; that the immigrations consequences to me, if any, are not necessarily the same as they would be to anyone else; and that if I am not a citizen, I have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status.
- ✓ 39. I understand that if I am convicted of a felony offense, I will lose my right to vote while I am on probation or subject to the authority of the Minnesota Department of Corrections.
- ✓ 40. Understanding all the above, I am entering my plea of guilty freely and voluntarily and without any promises except as noted in Paragraph Number 29, above.
- ✓ 41. I understand that if this plea is accepted, I have the right to be present at the time of sentencing and to present evidence on my behalf.
- ✓ I hereby request to be present at the time of sentencing.

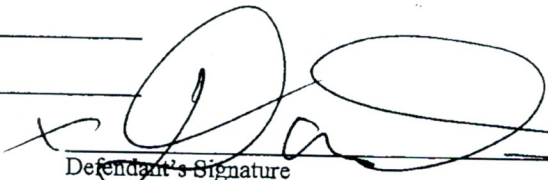
I hereby knowingly and voluntarily give up my right to be present upon entry of my plea and sentencing and request that the Court sentence me in my absence but according to the plea agreement that might be contained in this petition. I understand that the Court may impose a sentence that includes probation and I agree to abide by any probationary conditions and to receive notice of those conditions by U.S. Mail at the following address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

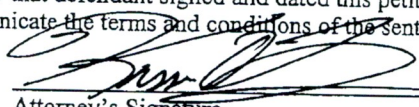
1/5/15  
Date

  
Defendant's Signature

*The following paragraph is optional if a plea is entered with the defendant present; it shall be completed for all pleas entered by mail or without the defendant being present.*

I, KASSIUS Benson (print name), am the attorney for the defendant in this criminal case and: (1) have personally explained the contents of this petition to the defendant; (2) believe, to the best of my knowledge, the defendant's constitutional rights have not been violated and that no meritorious defense exists to the charge(s) to which defendant is pleading guilty; (3) can verify that defendant signed and dated this petition; (4) concur in the entry of defendant's plea of guilty; and (5) will communicate the terms and conditions of the sentence that is imposed to the defendant.

1/5/2015  
Date

  
Attorney's Signature



**MSGC****DEPARTURE REPORT**

PAGE 1

**OFFENDER NAME** (Last, First, Middle)  
Turner, Davon De-Andre**DATE OF SENTENCE**  
3/19/2015**SENTENCING COUNTY NAME**  
Hennepin**JUDGE NAME**  
Tamara Garcia**DATE OF REPORT**  
3/19/2015**DISTRICT COURT CASE NO.**  
27-CR-14-17101**INSTRUCTIONS**

In making decisions about departing from the guidelines, and in writing reasons for departures, judges should consult section II.D of the **Minnesota Sentencing Guidelines and Commentary**. This report should be completed by the judge when:

- (a) the pronounced disposition (prison/probation) differs from the presumptive disposition under the guidelines;
- (b) the length of the sentence pronounced by the court differs from the presumptive sentence length;
- (c) consecutive sentences are used in circumstances other than those described in section II.F. of the guidelines or a consecutive sentence is not pronounced when consecutive sentencing is presumed under the guidelines; or
- (d) a non-felony sentence is pronounced for an offender convicted of a felony level offense.

**TYPE OF DEPARTURE (check all that apply)**

- |  |  |  |   |
|--|--|--|---|
| <input checked="" type="checkbox"/> <b>Dispositional</b><br><input type="checkbox"/> <b>Aggravated/Upward</b><br><small>(Prison-Guidelines presume stay)</small><br><input checked="" type="checkbox"/> <b>Mitigated/Downward</b><br><small>(Stay-Guidelines presume prison)</small> | <input checked="" type="checkbox"/> <b>Durational</b><br><input type="checkbox"/> <b>Aggravated/Upward</b><br><small>(Greater than Guidelines time)</small><br><input checked="" type="checkbox"/> <b>Mitigated/Downward</b><br><small>(Less than Guidelines time)</small> | <input type="checkbox"/> <b>Non-Felony Sentence</b><br><small>(Misdemeanor or Gross Misd. sentence pronounced for felony level conviction)</small> | <input type="checkbox"/> <b>Consecutive</b><br><small>(Departure from Guideline policy on consecutive sentencing)</small> |
|--|--|--|---|

**Aggravated Departure**

If the sentence is an aggravated departure, please indicate how the sentence was imposed:

- ☐ Jury determination of aggravating factors
 ☐ Defendant waived right to jury determination of aggravating factors

**REASONS FOR DEPARTURE**

Please do one of the following: 1) Check the appropriate reason(s) listed on page 2 of this form; 2) Write the reasons in the space below; or 3) Attach the relevant pages from the sentencing order or sentencing transcript.

Minnesota Sentencing Guidelines Commission  
 309 Administration Building  
 50 Sherburne Avenue  
 St. Paul, Minnesota 55155  
 Voice: (651) 296-0144  
 Fax: (651) 297-5757

Email: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)



**MSGC****DEPARTURE REPORT (CONTINUED)****FREQUENTLY CITED DEPARTURE REASONS  
(CHECK ALL THAT APPLY)****Additional Reasons May be Recorded on Page 1****Related to Nature of Current Offense****Reasons Generally Used as Mitigating Factors:**

- ☐ Offender played minor or passive role \*
- ☐ Victim was aggressor in incident \*
- ☐ Crime less onerous than usual

**Reasons Generally Used as Aggravating Factors:**

- ☐ Victim treated with particular cruelty \*
- ☐ Victim was particularly vulnerable \*
- ☐ Victim injury/psychological impact on victim
- ☐ Current conviction is offense w/ victim injury (including Crim. Sex. Conduct) and there is a similar prior \*
- ☐ Major economic offense--involves 2 or more of following: \*
- ☐ multiple victims/multiple incidents per victim
  - ☐ use of position/status
  - ☐ high degree planning/soph./lengthy period of time
  - ☐ actual/attempted loss greater than usual/than min.
  - ☐ similar prior conduct

**Reasons Generally Used as Aggravating Factors (cont.):**

- ☐ Committed, for hire, a crime against the person \*
- ☐ Committed crime as part of a group of three or more persons who all actively participated in the crime \*
- ☐ Major controlled substance crime involving 2 or more of the following: \*
- ☐ 3 or more separate transactions
  - ☐ sale quantities substantially larger than personal use
  - ☐ involved manufacture for use by others
  - ☐ possession of firearm during offense
  - ☐ high position in drug distribution hierarchy
  - ☐ high degree of sophistication/lengthy period of time
  - ☐ use of position/status
- ☐ Multiple victims or multiple incidents per victim
- ☐ Crime committed in victim's home or zone of privacy
- ☐ Position of authority, superiority, confidence or trust
- ☐ Crime more onerous than usual offense

**Related to Individual Offender****Reasons Generally Used as Mitigating Factors:**

- ☐ Lacked substantial capacity for judgement (not drug/alc.) \*
- ☒ Amenable to probation
- ☐ Amenable to treatment:
- ☐ Chem. dependency
  - ☐ Sex offender
  - ☐ Other
- ☐ Impose restitution/ensure financial penalties paid
- ☐ Ensure compliance w/ probation or allow longer supervision
- ☒ Shows remorse/accepts responsibility

**Reasons Generally Used as Aggravating Factors:**

- ☐ Has failed on probation/unamenable to probation
- ☐ Career Offender Provision (M.S. § 609.1095 subd. 4)
- ☐ Dangerous Offender Provision (M.S. § 609.1095 subd. 2)
- ☐ Patterned Sex Offender Provision (M.S. § 609.108)

**Related to Requests for Executed Sentence**

- ☐ Request prison to avoid probation and/or jail
- ☐ Request prison--revocation/prison on another offense
- ☐ Request prison as part of a plea agreement
- ☐ Request prison--other reasons \_\_\_\_\_

**Related to Recommendations Regarding Sentence**

- ☐ Recommended by court services
- ☐ Recommendation or agreement of victim/victim's family
- ☐ Recommended by treatment professional

**Other Reasons**

- ☐ Current severity level I-IV offense and priors resulted from crime spree \*
- ☐ Prevent trauma to witness from testifying
- ☐ Witness is unlikely, unable or unwilling to testify

\* Indicates reasons specified in the nonexclusive list in II.D.2 of the MN Sentencing Guidelines and Commentary

**ADDITIONAL INFORMATION REGARDING PLEA AGREEMENTS AND PROSECUTORIAL RECOMMENDATIONS**

- ☐ Prosecutor objects to the departure
- ☒ Plea agreement on sentence
- ☐ Departure recommended by prosecutor
- ☐ Motion by prosecutor to sentence without regard to M.S. § 609.11
- ☐ Prosecutor does not object to the departure

**PLEASE SEND TO:**

(Rev. 4/2012)

**Minnesota Sentencing Guidelines Commission**  
**309 Administration Building**  
**50 Sherburne Avenue**  
**St. Paul, MN 55155**  
**Email: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)**